

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

January 24, 2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR. 05-00099HG

CASE NAME: U.S.A. vs. JUDITH BAINCO ESMENA

ATTYS FOR PLA: Beverly Wee Sameshima

ATTYS FOR DEFT: Donna M. Gray

U.S.P.O.: Neil W. Tsukayama

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JUDGE: Helen Gillmor

REPORTER: Cynthia Fazio

DATE: January 24, 2006

TIME: 9:00 - 9:20

(Sentencing: 10 min)

(Motion: 10 min)

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COURT ACTION: SENTENCING TO COUNTS 4 AND 6 OF THE INDICTMENT -  
GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE  
AND SENTENCING RECOMMENDATION -

The defendant is present in custody.

The Memorandum of Plea Agreement is accepted.

The Court finds that the defendant qualifies for the "safety valve" provision as set forth in 18 U.S.C. Section 3553(f)(1)thru(5).

The Government's Motion for Downward Departure is GRANTED.

Allocution by the defendant.

ADJUDGED: Impr of 78 mos as to each count, to be served concurrently.

SUPERVISED RELEASE: 5 yrs as to each count, to be served concurrently, upon the following conditions:

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).

3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant execute all financial disclosure forms requested by the Probation Office and provide access to any requested financial information.
8. That the defendant shall submit her person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
9. That the defendant submit to removal proceedings, including deportation or exclusion as required by the Department of Homeland Security. The defendant shall not enter the United States without proper authorization.

Special assessment: \$200.

Advised of rights to appeal the sentences, etc.

RECOMMENDATIONS: Dublin CA. That the defendant participate in educational and vocational training programs.

Government's Motion to Dismiss Counts 1, 2, 3, 5 & 7 is GRANTED.

Submitted by: David H. Hisashima, Courtroom Manager